

Utah Independent Redistricting Commission Commission Meeting

Anchor Location: Taylorsville State Office Building
Bonneville Room Floor 3
4315 South 2700 West
Taylorsville, UT 8411484129-2128

Public Meeting Notice and Agenda
April 27, 2021
6:00 p.m.

Join the meeting by phone or virtually through YouTube.

<http://youtube.com/channel/UCi5KsuDI8VklRLqrXh2yDtg/live>

To access by phone, dial 1-253-215-8782 with meeting id: 878 0243 1615 and Passcode: 79812900

- I. Welcome – Rex Facer
 - a. Introduction of new Commissioner Karen Hale
 - b. Introduction of Intern Jacob Acquah
- II. Oath of Office – Brianna Ravarino
- III. Conflict of Interest Disclosure – Briana Ravarino
- IV. Utah Independent Redistricting Commissioner Certification – Rex Facer
- V. Approval of April 13, 2021 Utah Independent Redistricting Commission Meeting Minutes – (Commission motion required)
- VI. Electronic Meeting Policy – (Commission motion required)
- VII. Search Committee Report and Recommendation concerning Executive Director
 - a. Commission Decision on Executive Director (Commission motion required)
- VIII. RFP update
 - a. General Legal Counsel
 - b. Voting Rights Act Counsel

- IX. Website Update
- X. Jeff Baker Presentation: "2011 Utah Redistricting and Reprecincting Issues"
- XI. Discussion Item: Mission and Objectives for the Commission
- XII. Discussion Item: Redistricting Principles

UTAH INDEPENDENT REDISTRICTING COMMISSIONER
OATH OF OFFICE

Pursuant to the Utah Constitution Art. IV, § 10

I, _____, do solemnly swear (or affirm)
that I will support, obey, and defend the Constitution of the United States and the
Constitution of the State of Utah, and that I will discharge the duties of my office
with fidelity.

Date

Signature

State of Utah,
County of _____

Subscribed and sworn to before me this _____ *day of* _____, 20____

*Person Administering Oath

Title

DISCLOSURE STATEMENT

Pursuant to the Utah Public Officers' and Employees' Ethics Act
Utah Code Ann. §§ 67-16-1 through 67-16-15

I _____, being first sworn, do hereby disclose as follows:

1. I reside at: _____.
2. I was appointed or am employed as a member of _____
_____ on _____, 20__.
3. I am an officer, director, agent employee, or owner of a substantial interest in the following business entities which are subject to regulation by the agency which employs me:

Name of entity: _____

Position Held: _____

Nature and value of interest held: _____

(Note: "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding capital stock of a corporation or a 10% interest in any other business entity. Only need to report if exceeds \$2,000.00 in value. Please refer to Utah Code Ann §67-16-7 (3) for other exemptions and/or exclusions)

4. I have solicited received or have agreed to receive for myself or another, compensation, loans or gifts, directly or indirectly from the following persons or business entities who in the past, now or in the future may be subject to Utah Code Ann § 67-16-5:

Name and address of person or business entity: _____

A brief description of the gift, loan, or compensation and the action or proposed action that may be affected or give an appearance of being affected: _____

(Note refer to Utah Code Ann §67-16-5 for exemptions and/or exclusions)

5. I have participated in, or received, or have agreed to receive, or anticipate I will receive,

compensation in respect to a transaction between state agencies and a business entity which I am an officer, director, employee, own a substantial interest, or for assisting personal or business entities in transactions involving a state agency and disclose as follows:

Name and address of the Agency: _____

Name and address of the person or business entity being or to be assisted:

A brief description of the transaction as to which service is rendered or is to be rendered:
the nature of the service performed or to be performed: _____

(Note: Refer to Utah Code Ann §67-16-6)

DATED this _____ day of _____, 20____.

Signature

SUBSCRIBED and SWORN to before me this ____ day of _____, 20__.

Notary Public

Residing at:

My Commission Expires:

UTAH INDEPENDENT REDISTRICTING COMMISSIONER
CERTIFICATION

Pursuant to Utah Code § 20A-20-201(7)

I, _____, do hereby certify that I meet the qualifications for appointment to the commission. I certify I will comply with the standards, procedures, and requirements described in Utah Code § 20A-20 that are applicable to a commission member and will faithfully discharge the duties of a commission member in an independent, impartial, honest, and transparent manner.

I further certify that during my service on the commission I will not:

- (a) be a lobbyist or principal, as those terms are defined in Utah Code § 36-11-102;
- (b) be a candidate for or holder of any elective office, including federal elective office, state elective office, or local government elective office;
- (c) be a candidate for or holder of any office of a political party, except for delegates to a political party's convention;
- (d) be an employee of, or a paid consultant for, a political party, political party committee, personal campaign committee, or any political action committee affiliated with a political party or controlled by an elected official or candidate for elective office, including any local government office;
- (e) serve in public office if the member is appointed to public office by the governor or the Legislature;
- (f) be employed by the United States Congress or the Legislature; or
- (g) hold any position that reports directly to an elected official, including a local elected official, or to any person appointed by the governor or Legislature to any other public office.

Signature

Date

Utah Independent Redistricting Commission
Commission Meeting Minutes

Anchor Location: Taylorsville State Office Building
Bonneville Room Floor 3
4315 South 2700 West
Taylorsville, UT 84129-2128
April 13, 2021
6:00 p.m.

Public Meeting Minutes

Attendance - Commission Members

Chair, Utah Independent Redistricting Commission - Rex Facer
Commissioner Lyle Hillyard
Commissioner Jeff Baker
Commissioner William A. Thorne
Commissioner Rob Bishop
Commissioner Christine M. Durham
Commissioner Pat Jones (absent)

Attendance - Staff and Others in Attendance at Anchor Location:

Barbara Sutherland, Division of Finance
Teresa Facer
Moiria Facer
John Franchi, Channel 13 News, accompanied by camera man

Note: A copy of meeting materials, and an audio recording of the meeting can be found on the Public Notice Website. The minutes may refer to the recording found on the Public Notice Website with the number where an issue is being discussed.

I. Welcome:

Commission Chair, Rex Facer welcomed everyone to the inaugural Utah Independent Redistricting Commission. He proceeded to introduce the members of the Commission. Commissioner Pat Jones was not in attendance, she has resigned from the commission for personal reasons. Ms. Jones should be replaced by the end of this week. Chair Rex Facer welcomed all who had joined the meeting online as well.

He explained that the meeting today will largely be administrative.

Commission Chair Facer asked the members of the Commission to introduce themselves, with a brief introduction.

II. Commission Introductions:

- Commissioner Lyle Hillyard, was born and raised in Cache Valley, graduated from Utah State University, and went to the University of Utah Law School. He returned to Logan, UT after Law School and set up his own law firm, he has been there over 50 years. He

served four years in the House of Representatives, and 36 years in the Utah State Senate. He served through four reapportionments as a Senator and House member, but this is the first time he has been on a redistricting committee. Commissioner Hillyard's goal is to get some kind of peace, with the reapportionments.

- Commissioner Jeff Baker lives in Clearfield, but was raised in Southern California. He graduated from Brigham Young University. After spending a short time in the Air Force, he has been involved in Geographic Information Systems, which has been his career for the last 26 years. He is married, and together he and his wife have 9 children.
- Commissioner William A. Thorne served as a Judge for 34 years. He retired 8 years ago from the Utah Court of Appeals. He has served on one national commission, where he learned valuable lessons from the Chair and the Co-Chair of that commission. They taught him not to make, "the perfect enemy of the good, and to do the best that they can, and not get stuck trying to get the perfect solution, but to get one that is fair".
- Commissioner Rob Bishop, was born in Kaysville, UT and lives in Brigham City, UT. He came to the Legislature around the same time as Commissioner Hillyard, but he has been involved in all four of the redistricting issues. He feels the biggest problem they have is the calendar. If they wait until August or September, there will be an enormous amount of pressure on the commission, as well as the legislators. They will need to be creative to meet the deadlines.
- Commissioner Christine M. Durham, has lived in Utah since 1973, she has been a Utah State Judge for 39 years. She retired from the Utah Supreme Court 3 years ago, and has been working for an appellate law firm doing appellate work, and volunteer work. She is excited about this opportunity and anticipates learning a great deal. She is hopeful this commission will be in a position to have enough credibility to make useful contributions to the redistricting discussion. Because of the time limit, she feels the Commission will have to work twice as hard to meet the expectations that people have of the Commission.
- Commission Chair Rex Facer, has been on the faculty of Brigham Young University, for 20 years. He primarily teaches classes in Public Policy, and Human Resource Management. He grew up in Oregon, and came to Utah to go to BYU for his undergraduate degree, and then a master's degree. He moved to Georgia for 8 years and returned to Utah to teach at BYU. Chair Facer introduced his wife Teresa, and daughter Moira, that joined the commission meeting this evening.

III. Schedule upcoming meetings:

Commission Chair Rex Facer realizes everyone is busy, but at some point the commission will need to meet more frequently. He suggested meeting every other week for a month or two. The preference of the commission is to have the meetings in the evening. It was also suggested to have longer meetings, instead of more frequent ones.

Chair Facer would like to do some redistricting 101 training at the next meeting. Commissioner Baker has been involved in some redistricting issues with Davis County, and he will present this information to the commission. There are some experts who are looking at current maps from a mathematical and scientific perspective, and they will also present this information at the next meeting. There are personnel matters that will also need to be discussed.

It was discussed and decided to have the next Utah Independent Redistricting Commission meeting on April 27, 2021, from 5:00-7:00 p.m.

IV. GRAMA and Open and Public Meetings training by Bryan Nalder, Assistant Attorney General:

Bryan Nalder from the Attorney General's Office presented the Open and Public Meeting training, as well as an overview of the Government Records Management Act (GRAMA). You may find the audio of the training on the recording of the meeting on the Public Notice Website, <https://www.utah.gov/pmn/> refer to 16:14 of the recording. The power point presentations are located there as well.

At this point of the meeting they encountered some technical issues with the zoom meeting, and the meeting was adjourned for a short break.

The meeting reconvened, Chair Facer is hoping that the meeting could go forward as planned without problems.

It was decided to use a different technology format, and have an IT person available for future meetings. The meeting continued.

V. Executive Director Search: Update and Selection Committee

There are 10 applicants for the Executive Director position. It was suggested that there be a Democratic Commissioner and a Republican Commissioner, join Commission Chair Facer to interview the applicants.

It was discussed that the Executive Director and Legal Counsel, would not be able to hold a political office. Commission Chair Facer explained that it was specifically stated in the RFP for the legal counsel, and the conversation will also be discussed with the new Executive Director.

Because of the continuing interruptions with the zoom meeting, it was decided to adjourn. Commissioner Hillyard moved to adjourn the meeting, Commissioner Durham seconded the motion. The meeting adjourned at 6:55 p.m.

ELECTRONIC MEETINGS POLICY

(1) Purpose. The Utah Independent Redistricting Commission (“Commission”) recognizes that there may be times when members may need to appear telephonically or electronically pursuant to Utah Code Section 52-4-207.

(2) Authority. Utah Code Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to establish written procedures for such meetings. This policy establishes procedures for conducting Commission meetings by electronic means. This policy is enacted under the authority of Utah Code Sections 52-4-207 and Section 20A-20-203.

(3) Procedure. The following provisions govern any meeting at which one or more Commission Members appear telephonically or electronically pursuant to Utah Code Section 52-4-207:

(a) If one or more members of the Commission participate in any meeting electronically or telephonically, public notices of the meeting shall so indicate. In addition, the notices shall specify the anchor location where the members of the Commission who are not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(b) Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided to at least one newspaper of general circulation within the state and to a local media correspondent in accordance with Section 52-4-202(3). These notices shall be provided at least 24 hours before the meetings.

(c) Notice of the possibility of an electronic meeting shall be given to the Commission Members at least 24 hours before the meeting. In addition, the notice shall describe how a Commission Member may participate in the meeting electronically or telephonically.

(d) When notice is given of the possibility of a Commission Member(s) appearing electronically or telephonically, any member(s) may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Commission. At the commencement of the meeting, or at such time as any member initially appears electronically or telephonically, the chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Commission who are not at the physical location of the meeting shall be confirmed by the chair.

(e) The anchor location, unless otherwise designated in the notice, shall be at the

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The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(f) The Commission may convene and conduct an electronic meeting without an anchor location if the chair makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and complies with the provisions of Utah Code Section 52-4-207(4).

Basic Redistricting Principles Based on 20A-20-302

- I. Equal population
 - for congressional districts, has a total population deviation that does not exceed 1%;
 - for Senate, House of Representatives, and State School Board districts, has a total population deviation of less than 10%;
 - does not use race as a predominant factor in drawing district lines; and
 - complies with the United States Constitution and all applicable federal laws, including Section 2 of the Voting Rights Act;
- II. Single-member districts
- III. Contiguous – all parts of the district are connected
- IV. Reasonably compact – “the extent to which a district’s geography is dispersed around its center.”

The commission shall define and adopt redistricting standards for use by the commission that require that maps adopted by the commission, to the extent practicable, comply with the following, as defined by the commission:

- I. “Preserving communities of interest” (a community of interest is a geographic area, such as a neighborhood, where residents have common political interests)
- II. Preserving physical boundaries
 - i. “following natural, geographic, or man-made features, boundaries, or barriers;”
- III. “Preserving cores of prior districts”
- IV. “Minimizing the division of municipalities and counties across multiple districts;”
- V. “Achieving boundary agreement among different types of districts; and”
- VI. “Prohibiting the purposeful or undue favoring or disfavoring of:
 - i. an incumbent elected official;
 - ii. a candidate or prospective candidate for elected office; or
 - iii. a political party.”

The commission may adopt a standard that prohibits the commission from using any of the following, except for the purpose of conducting an assessment described in Subsection (8):

- (a) partisan political data;
- (b) political party affiliation information;
- (c) voting records;
- (d) partisan election results; or
- (e) residential addresses of incumbents, candidates, or prospective candidates.

“The commission may adopt redistricting standards for use by the commission that require a

smaller total population deviation than the total population deviation described in Subsection (4)(a)(iii) if the committee or the Legislature adopts a smaller total population deviation than 10% for Senate, House of Representatives, or State School Board districts.”